



Federal Communications Commission
Washington, D.C. 20554

In Reply Refer To:
1800B3-AD/TSN

September 6, 2019

Bustos Media Holdings, LLC
c/o Dennis J. Kelly
P.O. Box 41177
Washington, DC 20018

Re: FM Petition for Rule Making
Robbins, Colusa, and Sacramento, California

KZSZ(FM), Colusa, California
Facility ID No. 51638
File No. BPH-20190808ABF

Dear Mr. Kelly:

This is in response to the Petition for Rule Making (Petition) filed by Bustos Media Holdings, LLC (BMH), licensee of station KZSZ(FM), Channel 298B, Colusa, California (KZSZ). In its Petition, BMH proposes to delete Channel 298B at Colusa, California, and allot Channel 300A at Robbins, California. BMH concurrently seeks to change KZSZ's community of license, channel, and class to Channel 300A at Robbins, California, deleting vacant allotment Channel 300B at Sacramento, California, as that allotment would be mutually exclusive with the proposed allotment of Channel 300A at Robbins. BMH claims the use of Channel 300A at Robbins, by a relocated KZSZ, would comply with all applicable technical rules and provide first local transmission service at Robbins. For the reasons set forth below, we dismiss the Petition and associated application.

Channel 300B at Sacramento is currently a vacant allotment because on February 3, 2017, Entercom License, LLC (Entercom) surrendered its license for former FM broadcast station KDND(FM) (KDND), Channel 300B at Sacramento, California.¹ The Commission previously designated the KDND license renewal application for hearing, in light of a station contest that resulted in a contestant's death.² Rather than litigate the case, Entercom surrendered the KDND license, and the Administrative Law Judge (ALJ) terminated the proceeding.³

BMH's request to change KZSZ's community of license, channel, and class to Channel 300A at Robbins, and to delete both Channel 298B at Colusa and vacant allotment Channel 300B at Sacramento, is unacceptable. BMH seeks to delete vacant Channel 300B at Sacramento before it can be offered for competitive bidding under section 309(j) of the Communications Act and to downgrade the allotment.⁴

¹ *Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Various Locations)*, Order, DA 19-885 (MB Sept. 6, 2019).

² *Entercom License, LLC*, Memorandum Opinion and Order, 32 FCC Rcd 7149 at 7149-50, paras. 2-5 (2017).

³ *Entercom License, LLC*, Order, FCC 17M-09 (ALJ Mar. 16, 2017).

⁴ 47 U.S.C. § 309(j).

This proposal thus contravenes established Commission policy “that the public interest is better served by discontinuing the practice of considering individual requests for the reallocation, class down-grade or deletion of a vacant allotment outside of the competitive bidding process.”⁵

Based on the above, the Petition for Rulemaking filed by Bustos Media Holdings, LLC, to change the community of license, channel, and class of FM broadcast station KZSZ to Channel 300A at Robbins, California, and to delete both Channel 298B at Colusa, California, and vacant allotment Channel 300B at Sacramento, California; and the associated application, File No BPH-20190808ABF, ARE DISMISSED.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert Shuldiner".

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁵ *Enfield, New Hampshire*, Memorandum Opinion and Order, 26 FCC Rcd 798, 800 (2011), *recon. dismissed*, *Enfield, New Hampshire*, Order on Reconsideration, 29 FCC Rcd 14947 (MB 2014).